

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MIRNA E. SERRANO, et al.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff-Intervenor,

vs.

CINTAS CORP., an Ohio
Corporation,

Defendant.

consolidated for pre-trial proceedings with:

BLANCA NELLY AVALOS, et al.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff-Intervenor,

vs.

CINTAS CORPORATION, an Ohio
Corporation

Defendant.

Case No. 04-CV-40132

Honorable Judge Sean F. Cox

**STIPULATION AND ORDER OF
DISMISSAL OF INDIVIDUAL
CLAIMS OF JOSE PICORELLI
PURSUANT TO FED.R.CIV.P.
41(a)(1)(ii) IN THE MATTER OF
AVALOS V. CINTAS CORP.**

Case No. 06-CV-12311

WHEREAS, on August 28, 2008, Plaintiffs' counsel, Miner Barnhill & Galland and Goldstein, Demchak, Baller, Borgen & Dardarian, filed a Motion to Withdraw As Counsel for Plaintiff Jose Picorelli ("Motion to Withdraw") based on Plaintiff Picorelli's failure to schedule his deposition and to respond to repeated telephonic and written request to contact plaintiffs' counsel. (Dkt. 328.)

WHEREAS, on August 28, 2008, Defendant filed a Statement of Non-opposition to the Motion to Withdraw. (Dkt 329.)

WHEREAS, on October 28, 2008, the Court issued a Notice of Hearing, notifying the parties that a hearing on the Motion to Withdraw was scheduled for November 20, 2008, and that Plaintiff Picorelli's presence was required. (Dkt 402.)

WHEREAS, on October 30, 2008, Plaintiffs' counsel served a copy of the Court's Notice of Hearing on Plaintiff Picorelli.

WHEREAS, on November 3, 2008, Plaintiff Picorelli contacted Plaintiffs' counsel and advised them that he wished to withdraw as a named plaintiff in this action.

WHEREAS, Plaintiffs' counsel has filed a Notice of Withdrawal of Motion of Miner, Barnhill & Galland and Goldstein, Demchak, Baller, Borgen & Dardarian To Withdraw As Counsel For Plaintiff Jose Picorelli (Dkt. 420).

IT IS THEREFORE STIPULATED by and between the parties in the action of *Avalos v. Cintas Corp.*, Case No. 06-CV-12311, through their designated counsel, that the individual claims of Plaintiff Jose Picorelli be and they hereby are dismissed without prejudice pursuant to Fed.R.Civ. P. 41(a)(1)(ii). Defendant hereby agrees to waive any costs associated with Plaintiff Picorelli's individual claim.

Dated: November 14, 2008

Respectfully submitted,

By: /s/ Heather M. Mills

Morris J. Baller (CA SB #048928) mballer@gdblegal.com
Roberta L. Steele (CA SB #188198) rsteale@gdblegal.com
Heather M. Mills (CA SB # 215293) hmills@gdblegal.com
Goldstein, Demchak, Baller, Borgen & Dardarian
300 Lakeside Drive, Suite 1000
Oakland, CA 94612-3534
(510) 763-9800 (telephone)
(510) 835-1417 (facsimile)

Sarah E. Siskind (WI SB #1004902) ssiskind@lawmbg.com
MINER, BARNHILL & GALLAND
44 E. Mifflin St., Suite 803
Madison, WI 53703
(608) 255-5200 (telephone)
(608) 255-5380 (facsimile)

Judd Miner (IL SB #1925237) jminer@lawmbg.com
Scott A. Entin (IL SB #6281347) sentin@lawmbg.com
MINER, BARNHILL & GALLAND
14 W. Erie Street
Chicago, IL 60610
(312) 751-1170 (telephone)
(312) 751-0438 (facsimile)

ATTORNEYS FOR AVALOS PLAINTIFFS

By: /s/Nancy L. Abell

Nancy L. Abell (CA SB #88785) nancyabell@paulhastings.com
Heather A. Morgan (CA SB #177425) heathermorgan@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
515 South Flower Street, Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705

ATTORNEYS FOR DEFENDANT CINTAS CORPORATION

ORDER

The Court has considered the above Stipulation, and hereby finds that the parties have stipulated to the voluntary dismissal of the individual claims of Plaintiff Jose Picorelli without prejudice pursuant to FED.R.CIV.P. 41(a)(1)(ii).

It is therefore ORDERED that:

1. The individual claims of Plaintiff Jose Picorelli are hereby dismissed without prejudice.
2. Defendant has waived any costs associated with Plaintiff Picorelli's individual claims.

IT IS SO ORDERED.

Dated: December 8, 2008

s/ Sean F. Cox
HONORABLE JUDGE SEAN F. COX
UNITED STATES DISTRICT COURT JUDGE